



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) CASE NO. 09-2779M

Plaintiff, ) ORDER OF DETENTION  
v. ) AFTER HEARING

BILLY ALFARO, ) (18 U.S.C. § 3142(i))

Defendant. )

I.

A. (X) On motion of the Government in a case allegedly involving:

1. ( ) a crime of violence;
2. ( ) an offense with maximum sentence of life imprisonment or death;
3. ( ) a narcotics or controlled substance offense with maximum sentence of ten or more years;
4. ( ) any felony - where the defendant has been convicted of two or more prior offenses described above;
5. (X) a felony that is not otherwise a crime of violence that involves a minor victim under 18 U.S.C. § 2252A.

---

ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

1       B. (X) On motion by the Government / ( ) on Court's own motion, in a case  
2                    allegedly involving:

3           1. (X) a serious risk that the defendant will flee;  
4           2. ( ) a serious risk that the defendant will:  
5              a. ( ) obstruct or attempt to obstruct justice;  
6              b. ( ) threaten, injure, or intimidate a prospective witness or juror or  
7                    attempt to do so.

8       C. The Government (X) is/ ( ) is not entitled to a rebuttable presumption that no  
9                    condition or combination of conditions will reasonably assure the defendant's  
10                  appearance as required and the safety of any person or the community.

11

12

## II.

13      A. (X) The Court finds that no condition or combination of conditions will  
14                  reasonably assure:

15           1. (X) the appearance of the defendant as required.  
16           (X) and/or  
17           2. (X) the safety of any person or the community.

18      B. (X) The Court finds that the defendant has not rebutted by sufficient  
19                  evidence to the contrary the presumption provided by statute.

20

21

## III.

22      The Court has considered:

23      A. the nature and circumstances of the offense(s) charged;  
24      B. the weight of evidence against the defendant;  
25      C. the history and characteristics of the defendant; and  
26      D. the nature and seriousness of the danger to any person or to the community.

27

28

1 IV.

2 The Court also has considered all the evidence adduced at the hearing and the  
3 arguments and/or statements of counsel, and the Pretrial Services Report and  
4 recommendation.

5 V.

6 The Court bases the foregoing finding(s) on the following:

7 A. (X) The history and characteristics of the defendant indicate a serious risk  
8 that he will flee, because: the risk of flight is presumed in this case;  
9 defendant apparently has family ties to Latin America; and there are  
10 insufficient bail resources at this time to mitigate the presumed risk of  
11 flight.

12  
13 B. (X) The defendant poses a risk to the safety of other persons or the  
14 community because of the nature and seriousness of the allegations in  
15 this presumption case.

16 VI.

17 A. ( ) The Court finds that a serious risk exists that the defendant will:  
18 1. ( ) obstruct or attempt to obstruct justice.  
19 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.

20 VII.

21 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.  
22 B. IT IS FURTHER ORDERED that the defendant be committed to the  
23 custody of the Attorney General for confinement in a corrections facility  
24 separate, to the extent practicable, from persons awaiting or serving  
25 sentences or being held in custody pending appeal.

1 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
2 opportunity for private consultation with counsel.  
3 D. IT IS FURTHER ORDERED that, on order of a Court of the United States  
4 or on request of any attorney for the Government, the person in charge of  
5 the corrections facility in which the defendant is confined deliver the  
6 defendant to a United States Marshal for the purpose of an appearance in  
7 connection with a court proceeding.

8  
9 DATED: December 4, 2009

*Margaret A. Nagle*  
10 MARGARET A. NAGLE  
11 UNITED STATES MAGISTRATE JUDGE

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28